

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
TYSHAWN PITTMAN,**

**Plaintiff,**

**5:20-cv-319  
(GLS/ATB)**

**v.**

**DETECTIVE DANIEL EDWARDS  
et al.,**

**Defendants.**

**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

Tyshawn Pittman  
Pro Se  
7 Owego Street  
Cortland, NY 13045

**Gary L. Sharpe  
Senior District Judge**

**ORDER**

The above-captioned matter comes to this court following an Order and Report-Recommendation (R&R) by Magistrate Judge Andrew T. Baxter duly filed on June 22, 2020. (Dkt. No. 13.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

**ORDERED** that the Order and Report-Recommendation (Dkt. No. 13)

is **ADOPTED** in its entirety; and it is further

**ORDERED** that the complaint is **DISMISSED** with prejudice as against defendant Victoria Monty based on absolute immunity pursuant to 28 U.S.C. § 1915(c)(2)(B)(iii); and it is further

**ORDERED** that plaintiff's First, Fifth, and Sixth Amendment claims are **DISMISSED without prejudice**, but without leave to amend; and it is further

**ORDERED** that plaintiff's Eighth and Eleventh Amendment claims are **DISMISSED with prejudice**; and it is further

**ORDERED** that plaintiff's Fourth Amendment claim of malicious prosecution and his equal protection claim proceeds only against defendant Detective Daniel Edwards, together with supplemental state law claims of defamation and intentional infliction of emotional distress; and it is further

**ORDERED** that plaintiff's federal constitutional claims are **DISMISSED without prejudice** as against defendant Edwards in his official capacity; and it is further

**ORDERED** that this case be returned to Magistrate Judge Baxter for an order regarding service of process on the remaining defendant; and it is further

**ORDERED** that the Clerk provide a copy of this Order to plaintiff in accordance with the Local Rules of Practice.

**IT IS SO ORDERED.**

July 21, 2020  
Albany, New York

Gary L. Sharpe  
Gary L. Sharpe  
U.S. District Judge